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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Civil Action No. 1:22-cv-05277

SAMUEL KATZ, individually)
and on behalf of all others)
similarly situated,)
Plaintiff,)
vs.)
ALLIED FIRST BANK, SB, et)
al,)
Defendants.)

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ZOOM DEPOSITION OF SAMUEL KATZ,
called as a witness on behalf of the
Defendants, pursuant to the applicable
provisions of the Federal Rules of Civil
Procedure, before Jeanette N. Maracas,
Registered Professional Reporter and Notary
Public in and for the Commonwealth of
Massachusetts, on Thursday, March 27, 2025,
commencing at 10:04 a.m.

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<p>Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 PERRONG LAW, LLC</p> <p>4 By: Andrew Perrong, Esq.</p> <p>5 2657 Mt. Carmel Avenue</p> <p>6 Glenside, PA 19038</p> <p>7 For the Plaintiff.</p> <p>8 A@perronglaw.com</p> <p>9</p> <p>10 NELSON MULLINS RILEY & SCARBOROUGH, LLP</p> <p>11 By: Kevin P. Polansky, Esq.</p> <p>12 One Financial Center</p> <p>13 Boston, Mass. 02111</p> <p>14 For the Defendant Allied First Bank, SB</p> <p>15 Kevin.polansky@nelsonmullins.com</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 4</p> <p>1 PROCEEDINGS</p> <p>2 SAMUEL KATZ</p> <p>3 A witness called for examination</p> <p>4 by counsel for the Defendants, having been</p> <p>5 first duly sworn, was examined and testified</p> <p>6 as follows:</p> <p>7 DIRECT EXAMINATION</p> <p>8 BY MR. POLANSKY:</p> <p>9 Q. Good morning, Mr. Katz. Could you please</p> <p>10 state your full name for the record.</p> <p>11 A. Samuel Katz.</p> <p>12 Q. Mr. Katz, my name is Kevin Polansky. I</p> <p>13 represent Allied First in a case you brought</p> <p>14 against them. I'll be asking some questions</p> <p>15 today. I don't anticipate that it's going</p> <p>16 to go a whole long day, but in the event you</p> <p>17 need any breaks, I'd just ask you to answer</p> <p>18 any question pending at that time, okay?</p> <p>19 A. Okay.</p> <p>20 Q. Have you provided deposition testimony</p> <p>21 before?</p> <p>22 A. Yes.</p> <p>23 Q. When was the last time?</p> <p>24 A. I don't remember.</p> <p>25 Q. Let me just go through the groundrules in</p>
<p>Page 3</p> <p>1 INDEX</p> <p>2 Testimony of: Direct Cross</p> <p>3 Samuel Katz</p> <p>4 (by Mr. Polansky) 4</p> <p>5 (by Mr. Perrong) 73</p> <p>6</p> <p>7 EXHIBITS</p> <p>8 No. Description Page</p> <p>9</p> <p>10 Exhibit 1 Samuel Katz answers to</p> <p>11 interrogatories. 12</p> <p>12 Exhibit 2 Confidential Settlement</p> <p>13 and Release Agreement. 25</p> <p>14</p> <p>15 Exhibit 3 Complaint. 26</p> <p>16</p> <p>17 Exhibit 4 3/16/23 demand letter. 44</p> <p>18</p> <p>19 Exhibit 5 E-mail from Samuel Katz. 48</p> <p>20</p> <p>21 Exhibit 6 Bates 16 Confidential. 66</p> <p>22</p> <p>23 Exhibit 7 Audio file. 77</p> <p>24</p> <p>25 Exhibit 8 Deposition notice. 77</p>	<p>Page 5</p> <p>1 case you forgot. So somewhere on your</p> <p>2 screen is the court stenographer. She's</p> <p>3 taking down everything that both of us say,</p> <p>4 so it's important that only one of us</p> <p>5 speaks at a time, okay?</p> <p>6 A. Yes, understood.</p> <p>7 Q. On a similar vein, you can't use head</p> <p>8 nods or shoulder shrugs because she can't</p> <p>9 really take that down, so you've got to use</p> <p>10 verbal responses, "yes," "no," "I don't</p> <p>11 know," okay?</p> <p>12 A. Yes, understood.</p> <p>13 Q. If you don't understand one of my questions,</p> <p>14 just let me know, I'm happy to rephrase it.</p> <p>15 Otherwise, I'll understand that you</p> <p>16 understood my question, okay?</p> <p>17 A. Okay.</p> <p>18 Q. I think that's just about it. How many</p> <p>19 times have you testified at a deposition?</p> <p>20 A. I don't know.</p> <p>21 Q. More than five?</p> <p>22 A. I don't think so.</p> <p>23 Q. Okay. Were these in connection with a</p> <p>24 lawsuit that you had filed?</p> <p>25 A. Yes.</p>

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<p style="text-align: right;">Page 6</p> <p>1 Q. Approximately how many lawsuits have you 2 filed in the TCPA context? 3 MR. PERRONG: Objection to form. 4 A. I don't know. 5 Q. More than one? 6 A. Yes. 7 Q. More than five? 8 A. Yes. 9 Q. More than ten? 10 A. I'm not sure. I'm not sure. 11 Q. So maybe somewhere between five and ten? 12 A. I wouldn't put an amount on it because I 13 don't know offhand the entire history. I 14 don't have it in front of me. 15 Q. Was there a more recent period of time 16 that you filed more lawsuits or has it 17 spanned a certain period of time? 18 MR. PERRONG: Objection. 19 A. Over the last ten years. 20 Q. What's your date of birth? 21 A. April 26, 1988. 22 MR. PERRONG: And we'll designate 23 that confidential. 24 MR. POLANSKY: Okay. 25 Q. With respect to the deposition testimony</p>	<p style="text-align: right;">Page 8</p> <p>1 for our benefit, we'll mark anything 2 confidential relating to any sort of personal 3 address or telephone number, e-mail address, 4 okay? 5 MR. PERRONG: Okay. 6 Q. Prior to moving to the Gentry address in 7 2021, where did you live? 8 A. Maine. 9 Q. Where in Maine? 10 A. Dover-Foxcroft. 11 Q. What was the address? 12 A. 92 Lincoln Street. 13 Q. Did you ever live at 43 Lincoln Street, 14 Dover-Foxcroft? 15 A. Yes. 16 Q. When was that? 17 A. That was for a few months when I first 18 moved to Maine. 19 Q. And then you moved to -- what did you say? 20 92 Lincoln Street? 21 A. Correct. 22 Q. And how long were you at the 92 Lincoln 23 Street address for? 24 A. From late 2017 until early 2021. 25 Q. So you were at that address until you moved</p>
<p style="text-align: right;">Page 7</p> <p>1 that you previously provided, have they 2 all been in the context of a TCPA suit? 3 MR. PERRONG: Objection to form. 4 A. Yes. 5 Q. Mr. Katz, where do you live? 6 A. Arkansas. 7 Q. Where in Arkansas? 8 A. Bella Vista. 9 Q. More specifically, do you have an address, 10 street address? 11 MR. PERRONG: Objection to form. 12 We'll designate any responses confidential. 13 MR. POLANSKY: Okay. 14 A. 14 Little Drive. 15 Q. How long have you lived there? 16 A. A little under two years. 17 Q. So maybe since 2023? 18 A. Yes. 19 Q. And before that, where did you live? 20 A. Arkansas. 21 Q. And what is the address? 22 A. 209 White Oak Street in Gentry. 23 Q. When did you move to the Gentry address? 24 A. In 2021. 25 MR. POLANSKY: And, Andrew, just</p>	<p style="text-align: right;">Page 9</p> <p>1 to Arkansas? 2 A. Correct. 3 Q. Do you currently work? 4 A. Yes. 5 Q. Where do you work? 6 A. Wal-Mart. 7 Q. What do you do at Wal-Mart? 8 A. Can we designate this as confidential, 9 please? 10 Q. Yes, of course. Anything relating to 11 your employment or anything not related to 12 the phone calls, your telephone numbers, 13 e-mails we'll mark all as confidential. 14 A. Okay. I worked in merchandising operations. 15 Q. What does that entail? 16 MR. PERRONG: Objection. 17 A. It involves providing analytical support 18 to merchandising. 19 Q. How long have you had that role? 20 A. This role specifically since August of 21 last year. 22 Q. And how long have you been working for 23 Wal-Mart? 24 A. Since February of 2023. 25 Q. Where did you work before that?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A. IRI. 2 Q. What is IRI? 3 A. They're a syndicated data provider. 4 Q. What's a syndicated data provider? 5 A. They aggregate data and engage in statistical 6 projections and then sell that along with 7 custom databases of retail and consumer 8 sales of product. 9 Q. So is your job function, or at least the 10 ones you've had most recently, data 11 analytics? Is that fair? 12 A. That's fair. 13 Q. Is the IRI employment what drew you to 14 Arkansas? 15 A. No. 16 Q. How long were you at IRI? 17 A. About seven years, a little over seven 18 years. 19 Q. So you were working for IRI when you 20 were both in Maine and Arkansas? 21 A. Correct. 22 Q. Did the IRI employer provide you with any 23 sort of phone number, any sort of phone to 24 use in your job? 25 MR. PERRONG: Objection to form.</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. What phone would they call, what phone 2 number? 3 A. My IRI phone. 4 Q. What was the number of that? 5 A. I don't remember. 6 Q. And if you were placing calls, what number 7 would you use? 8 MR. PERRONG: Objection to form. 9 You can answer. 10 A. Can you please clarify the question? 11 Q. Sure. If you were going to call somebody 12 as part of your employment, what telephone 13 number would you use to make an outgoing 14 call? 15 A. I don't think that I ever -- I don't have 16 any recollection of ever calling anyone. 17 Q. I'll try to make this a little easier. 18 I'm going to pull up your answers to 19 interrogatories. I'll mark that as 20 Exhibit 1. I'm going to put it on my screen. 21 Just give me a second. 22 (Exhibit 1 marked for 23 identification.) 24 Q. Can you see my screen okay? 25 A. Yes, I can.</p>
<p style="text-align: right;">Page 11</p> <p>1 A. I think at one point they did. 2 Q. Do you recall when that was? 3 A. I don't know. We went through a bunch of 4 private equity flips and stuff got taken 5 away and I don't remember. 6 Q. Were you working remote for IRI when you 7 were in Maine? 8 MR. PERRONG: Objection to form. 9 A. Yes. 10 Q. What number did you use to contact people 11 either inside work, outside work when you 12 were working at IRI? 13 MR. PERRONG: Objection to form. 14 A. Can you please clarify the question? 15 Q. Sure. So you were working remote from your 16 house, I assume? 17 A. Correct. 18 Q. Did you ever have to speak to anyone outside 19 of the IRI business as part of your job? 20 A. Yes. 21 Q. And how would they contact you? 22 A. Microsoft Teams or e-mail. 23 Q. Would anyone call you via phone? 24 MR. PERRONG: Objection to form. 25 A. Maybe, but that was extremely rarely used.</p>	<p style="text-align: right;">Page 13</p> <p>1 Q. Okay. This is a ten-page document. Have 2 you seen this document before? 3 A. Yes. 4 Q. I'm going to flip to the very last page. 5 Do you recall signing this document? 6 A. If I was asked to sign it, I would have 7 signed it. It just looks like this could 8 be a version control issue if you don't 9 have a signature on it. 10 Q. Yeah, I think you're probably right because 11 I did see a signature. In any event, do 12 you recall having signed this document? 13 MR. PERRONG: Objection to form. 14 Q. You can answer. 15 A. Can you clarify the question, please? 16 Q. Sure. In front of you I have answers to 17 interrogatories. Do you know what those are? 18 A. Yes. 19 Q. You've seen those in this case and other 20 cases? 21 A. Yes. 22 Q. Do you understand that you're required to 23 sign them under the pains and penalties of 24 perjury? 25 A. Yes.</p>

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<p style="text-align: right;">Page 14</p> <p>1 Q. Do you recall whether you signed these 2 answers to interrogatories? 3 MR. PERRONG: Objection to form. 4 A. I don't have a specific memory of signing 5 them, but if I needed to sign them, I 6 would have signed them. 7 Q. In other words, you're not withholding your 8 signature from them, is that fair? 9 A. That's correct. 10 Q. In No. 5 it asks, "identify by phone number 11 and provider any landline, cell phone or 12 VoIP use by you to send or receive 13 communications and whether such landline, 14 cell phone or VoIP number or provider account 15 was registered in your name or the name of 16 another person." And then you identify a 17 number of numbers. Do you see that? 18 A. I do. 19 Q. I'm just going to go through that list 20 quickly with you, okay? 21 A. Okay. 22 Q. (207) 802-1001. Do you see that number? 23 A. Yes. 24 Q. Who does that number belong to? 25 A. Me.</p>	<p style="text-align: right;">Page 16</p> <p>1 A. No. 2 MR. PERRONG: I'll just -- I was 3 going to object to form. 4 MR. POLANSKY: Okay. 5 Q. Was this number used when you were working 6 at IRI? 7 MR. PERRONG: Objection to form. 8 A. Can you please clarify the question? 9 Q. Sure. Would you receive phone calls to 10 that number while working at IRI? 11 MR. PERRONG: Objection to form. 12 Q. If you answered, I didn't hear it. 13 A. My answer is no. 14 Q. Moving on to the (207) 349-8213 number, 15 whose number is that? 16 A. My phone number. 17 Q. And what is that? Is that associated with a 18 landline, cell phone, Voice over IP? 19 A. That's a cell phone. 20 Q. Is that active? 21 A. Yes. 22 Q. How long have you had that number for? 23 A. I don't know. 24 Q. More than five years? 25 A. I think approximately five years.</p>
<p style="text-align: right;">Page 15</p> <p>1 Q. And is that registered in your name? 2 A. Yes. 3 Q. Is that associated with a landline or 4 cell a phone or something else? 5 A. Something else. 6 Q. What is it registered to or associated 7 with, I should say? 8 A. It was a landline and I switched it to 9 Voice over IP protocol. 10 Q. Okay. Is it still in use? 11 A. It's still active, yes. 12 Q. Do you know, was that number registered to 13 the Federal Do Not Call list? 14 MR. PERRONG: Objection to form. 15 A. I don't have my registration information 16 in front of me, but I believe that I 17 registered all my phone numbers on there. 18 Q. You registered more than one? 19 A. Yes. 20 Q. Do you know when this particular number, 21 the (207)802-1001 number was registered? 22 MR. PERRONG: Objection to form. 23 A. I don't know. 24 Q. Was that number used for business purposes 25 of any sort?</p>	<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. How long have you had the number 2 just above it, the 1001 number? 3 A. I think that that was activated when we 4 moved into our house on 92 Lincoln Street. 5 Q. So that would have been 2017, if my memory 6 serves correct? 7 A. I believe so. 8 Q. Is the 8213 number, is that on the DNC? 9 A. I believe so. 10 Q. You don't have a memory as to when that 11 was registered? 12 A. No. 13 Q. Moving on to the (978) 877-9112 number, 14 what's that number associated with? 15 A. Voice over IP. 16 Q. What do you use that number for? 17 MR. PERRONG: Objection to form. 18 A. Can you please clarify the question? 19 Q. Sure. That's not associated with a cell 20 phone or anything? 21 A. That was a cell phone. That was my first 22 cell phone number. 23 Q. Do you still use that number? 24 A. It's still active. 25 Q. Do you still receive phone calls on it?</p>

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<p style="text-align: right;">Page 18</p> <p>1 A. Can you please clarify the question?</p> <p>2 Q. Sure. Do you still receive wanted phone</p> <p>3 calls on it?</p> <p>4 MR. PERRONG: Objection to form.</p> <p>5 A. This number and some of the others here,</p> <p>6 the reason that I have them is because</p> <p>7 they're used for two-factor authentication,</p> <p>8 and that's the primary reason that I have</p> <p>9 them at this point.</p> <p>10 Q. You saved me a lot of questions.</p> <p>11 A. Okay.</p> <p>12 Q. I was just trying to figure that out. So</p> <p>13 you don't have a primary use for these</p> <p>14 other than the two-factor authentication,</p> <p>15 is that fair? Specifically I'm referring</p> <p>16 to 978, 617, 857 and 305 numbers.</p> <p>17 A. Correct. The 9112 and 6565 are former</p> <p>18 cell phone numbers of mine that are used</p> <p>19 for two-factor authentication, and 9493 is</p> <p>20 my wife's old cell phone number and she</p> <p>21 asked me to retain it because she had</p> <p>22 two-factor authentication set up on it.</p> <p>23 Q. Got it. There's one more number that you</p> <p>24 listed. What's the 499 number used for?</p> <p>25 A. Scroll down, please.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Do you recall filing lawsuits related to</p> <p>2 more than one number?</p> <p>3 A. Yes.</p> <p>4 Q. In 2022, what number did you primarily use</p> <p>5 for personal household purposes?</p> <p>6 MR. PERRONG: Objection to form.</p> <p>7 Q. Early 2022.</p> <p>8 A. Well, I think the two-factor authentication</p> <p>9 would be for household and personal purposes</p> <p>10 so that would include any of the numbers</p> <p>11 that I have listed here because I think some</p> <p>12 of them are used for -- it's a little -- in</p> <p>13 my efforts to be efficient with not having</p> <p>14 to have a cell phone, I ended up creating a</p> <p>15 mess of two factors, so all of them are used</p> <p>16 for personal purposes.</p> <p>17 Q. Understood. But let's say you had friends</p> <p>18 call. Would they primarily call your cell</p> <p>19 phone?</p> <p>20 A. Yes.</p> <p>21 Q. And the cell phone that you primarily used</p> <p>22 in early 2022 would have been the 8213</p> <p>23 number, is that fair?</p> <p>24 MR. PERRONG: Objection to form.</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 19</p> <p>1 Q. I'm sorry.</p> <p>2 A. That's used for two-factor authentication.</p> <p>3 Q. Okay. Was that another number used by</p> <p>4 your wife?</p> <p>5 A. No.</p> <p>6 Q. Okay. Now, in here you write, "all of</p> <p>7 these telephone numbers are in the</p> <p>8 plaintiff's name." Is the 857 number that</p> <p>9 was associated with your wife's old cell</p> <p>10 phone in your name or her name?</p> <p>11 A. That's in my name. That was imported over</p> <p>12 to my NumberBarn account.</p> <p>13 Q. Got it. The phone number associated with</p> <p>14 the calls at issue in this litigation, what</p> <p>15 phone number is that?</p> <p>16 A. I don't remember offhand.</p> <p>17 Q. Have you ever filed a lawsuit based on</p> <p>18 calls to any one of these numbers or are</p> <p>19 they all associated with one particular</p> <p>20 phone number?</p> <p>21 MR. PERRONG: Objection to form.</p> <p>22 A. I believe that they're -- I don't have a</p> <p>23 document in front of me that would spell out</p> <p>24 which cases were linked to which phone</p> <p>25 numbers.</p>	<p style="text-align: right;">Page 21</p> <p>1 Q. In 2022, if my math is correct, or I guess</p> <p>2 if my notes are correct, you were living</p> <p>3 in Arkansas?</p> <p>4 A. Correct.</p> <p>5 Q. Did you have any sort of landline associated</p> <p>6 with the home?</p> <p>7 MR. PERRONG: Objection to form.</p> <p>8 A. No.</p> <p>9 Q. You would just rely on the phone numbers</p> <p>10 listed here?</p> <p>11 A. Correct.</p> <p>12 Q. Does anyone other than you use the 1001</p> <p>13 number?</p> <p>14 A. No.</p> <p>15 Q. What about the 8213 number?</p> <p>16 A. No.</p> <p>17 Q. Do you receive any sort of work reimbursement</p> <p>18 for your cell phone?</p> <p>19 A. No.</p> <p>20 Q. Remind me, were you working at Wal-Mart in</p> <p>21 2022?</p> <p>22 A. No.</p> <p>23 Q. Did IRI provide any sort of cell phone</p> <p>24 reimbursement?</p> <p>25 A. I don't remember, but like I said before,</p>

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<p style="text-align: right;">Page 22</p> <p>1 they went through several private equity 2 flips so it's highly unlikely. 3 Q. Okay. In early 2022, who were you living 4 with, if anybody? 5 A. My family. 6 Q. And I'm only concerned about adults. Any 7 adults? 8 A. My wife. 9 Q. What's her name? 10 A. Shelby. 11 Q. Same last name? 12 A. In some cases, yes. 13 Q. Okay. What are the names she goes by? 14 A. Shelby Katz or Shelby Hinckley. 15 Q. And, again, we can mark all this part 16 confidential. 17 Is Hinckley her maiden name? 18 A. Correct. 19 Q. Any other adults that were living with you 20 in early 2022? 21 A. No. 22 Q. Can you describe your educational background. 23 A. I have a Bachelor's degree and a Master's 24 degree. 25 Q. And where is the Bachelor's from?</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. Which one? 2 A. Andrew. 3 Q. Did you speak to anyone else? 4 A. No. 5 Q. Did you review any documents? 6 A. No. 7 Q. Have you reviewed the complaint in this 8 lawsuit? 9 MR. PERRONG: Objection to form. 10 A. Are you referring to proceeding preparation 11 for the deposition or ever? 12 Q. Good question. Ever. 13 A. Yes. 14 Q. And then you already said that you had 15 reviewed your discovery responses, is that 16 fair? 17 A. Yes. 18 Q. Now, you were involved in one other lawsuit 19 with Allied First, is that correct? 20 MR. PERRONG: Objection to form. 21 A. I don't believe that it was a lawsuit. 22 Q. Was it just like a claim? 23 A. I think it was a demand letter, but if you 24 have documents that would say it actually 25 was, I would accept that as well. I don't</p>
<p style="text-align: right;">Page 23</p> <p>1 A. Elmira College. 2 Q. What year did you graduate? 3 A. 2010. 4 Q. Is that Upstate New York? 5 A. Correct, yup. 6 Q. My buddy went there. Do they have a good 7 soccer program? 8 A. Soccer and hockey as well. Lacrosse, too. 9 Q. And your Master's program, where did you 10 graduate from? 11 A. University of Arkansas. 12 Q. Are you rooting for Arkansas tonight? I 13 think there's a seven o'clock game. 14 A. Yeah. 15 Q. Me, too. One of the few outside Arkansas 16 probably picked in my bracket. 17 When did you graduate from Arkansas? 18 A. Last year. 19 Q. And what was -- Master's of what? 20 A. Business administration. 21 Q. In preparation for today's deposition, 22 did you speak to anyone? And if you spoke 23 to attorneys, I don't want to know what 24 you spoke about. 25 A. I spoke to my attorney.</p>	<p style="text-align: right;">Page 25</p> <p>1 remember. 2 Q. Frankly, I don't either. I was hoping 3 you'd tell. I do have a document. I'll 4 show it to you. 5 I'm going to mark as Exhibit 2 6 the confidential settlement agreement, so 7 I'll mark this as confidential, obviously, 8 with the two relevant parties who signed it. 9 Let me just put that on the screen. 10 (Exhibit 2 marked for 11 identification.) 12 Q. Do you remember seeing this document? And 13 I'll scroll down. It's a five-page document 14 that's Exhibit 2. 15 A. Yes. 16 Q. Was John Fink your counsel for that matter? 17 A. Yes. 18 Q. And just going back to the date, this was 19 entered into on or about June of 2016, is 20 that right? 21 A. That sounds about right. 22 Q. These related to calls that Allied First 23 had allegedly made to you, is that right? 24 A. Correct. 25 Q. And I think you're right. I don't know if</p>

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<p style="text-align: right;">Page 26</p> <p>1 this did end up in a lawsuit. It looks 2 like it might have just been a demand. Is 3 that your memory as well? 4 A. That's my memory as well. 5 Q. After this agreement was entered into and 6 prior to the calls at issue in this case 7 that you received in early 2022, did you 8 ever receive any other calls from Allied 9 First? 10 A. I don't know. 11 Q. Anything that you're aware of? 12 A. The calls that I'm aware of for Allied 13 First are in the complaint. 14 Q. Okay. And those stem from approximately 15 January 2022 to, I believe it's March 2022? 16 A. I don't have the complaint in front of me, 17 but if that's what the complaint says, I 18 would defer to that. 19 Q. Let me pull that up just so we're not 20 guessing. I'll mark the complaint in this 21 case as Exhibit 3. 22 (Exhibit 3 marked for 23 identification.) 24 Q. This is an eleven-page document I'll scroll 25 through and just ask if you've seen it</p>	<p style="text-align: right;">Page 28</p> <p>1 Q. Oh, is that how you say it? 2 A. I think so. I'm not sure. Sorry, I was 3 agreeing with the pronunciation, not your 4 question. Can you please repeat the 5 question? 6 Q. Sure. Prior to January of 2022, have you 7 ever had any other communications with 8 Consumer Nsight? 9 A. I don't know. 10 Q. None that you're aware of? 11 A. I don't know. 12 Q. You don't know if you're aware of any 13 others? 14 MR. PERRONG: Objection to form. 15 A. I don't know if there were any other calls 16 from Consumer Nsight. 17 Q. Okay. Did you send any demand letters to 18 Consumer Nsight prior to January of 2022? 19 A. I think that -- I'm not going to speculate, 20 so I don't believe that I have sent them 21 any demand letters directly. 22 Q. When you say "directly," are you saying by 23 yourself or through counsel? 24 A. Both. 25 Q. So you're not aware of any demand letters</p>
<p style="text-align: right;">Page 27</p> <p>1 before. 2 A. Yes, I believe I have. 3 Q. Okay. I'm going to go to the factual 4 allegation section which starts on Page 4 5 of 11. Are you with me? 6 A. Yes, I see that. 7 Q. Paragraph 21 says, "Consumer Nsight placed 8 telemarketing calls for Allied First to Mr. 9 Katz on January 8th, 14th, 22nd, 28th, 10 February 9, 16 and 23 and March 4th and 7th." 11 Do you see that? 12 A. I see that. 13 Q. Going back to my earlier question, so is 14 the scope of the calls from January to March 15 of 2022? 16 A. It would appear that way, yes. 17 Q. These are calls that you allege came from 18 Consumer Nsight on behalf of Allied First, 19 is that fair? 20 A. That's what it says, yes. 21 Q. Have you ever had any involvement with 22 Consumer First (sic) prior to January of 23 2022? 24 MR. PERRONG: Objection to form. 25 A. With Consumer Nsight?</p>	<p style="text-align: right;">Page 29</p> <p>1 having been sent to Consumer Nsight? 2 A. I think that this is getting to what we're, 3 what the issue is here, which is that 4 there are third parties that contract with 5 the telemarketing firms, so it is entirely 6 possible that I received other calls from 7 them. 8 Q. Sure. No, I understand that part, but I'm 9 asking about demand letters. Are you aware 10 of any demand letters having been sent to 11 Consumer Nsight at any point in time? 12 MR. PERRONG: Objection to form. 13 Objection as asked and answered. 14 Q. You can answer. 15 A. I don't remember. I don't know. 16 Q. Okay. With respect to other TCPA actions 17 you filed, and I understand you don't recall 18 the exact number, have any of those gone to 19 trial? 20 MR. PERRONG: Objection to form. 21 A. I'm not -- I don't have a law degree so 22 I'm not sure what would constitute going to 23 trial. 24 Q. Do you know what a trial is? 25 A. I do.</p>

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<p style="text-align: right;">Page 30</p> <p>1 Q. And, to your knowledge, have any of the</p> <p>2 lawsuits you filed gone to trial?</p> <p>3 MR. PERRONG: Objection to form.</p> <p>4 A. I don't know if it was going to trial or</p> <p>5 if it was settled or if it was a bench</p> <p>6 trial or if it was a jury trial.</p> <p>7 Q. When you say you don't know if, are you</p> <p>8 suggesting that you did have one case go</p> <p>9 to trial?</p> <p>10 A. I can't differentiate between if something</p> <p>11 went to trial or if it was settled before</p> <p>12 trial or if there was a trial and then we</p> <p>13 had settlement.</p> <p>14 Q. Understood. Let me break it down a little</p> <p>15 bit, then. Have you ever testified in court,</p> <p>16 not like a deposition like this?</p> <p>17 MR. PERRONG: Objection to form.</p> <p>18 A. I don't think so.</p> <p>19 Q. Have you ever had a judge issue a ruling</p> <p>20 entering judgment on your behalf against a</p> <p>21 defendant in a TCPA case?</p> <p>22 MR. PERRONG: Objection to form.</p> <p>23 You can answer.</p> <p>24 A. Again, I don't -- I'm not able to</p> <p>25 differentiate on the conclusions of other</p>	<p style="text-align: right;">Page 32</p> <p>1 I don't remember.</p> <p>2 Q. Okay. Are there other non-TCPA cases that</p> <p>3 you filed?</p> <p>4 A. Yes.</p> <p>5 Q. Any other class actions?</p> <p>6 MR. PERRONG: Objection to form.</p> <p>7 A. I don't remember whether it was a class</p> <p>8 action or not.</p> <p>9 Q. What case are you referring to?</p> <p>10 A. The lawsuit against the State of Maine.</p> <p>11 Q. Is that still pending?</p> <p>12 A. No.</p> <p>13 Q. Did you prevail?</p> <p>14 A. No.</p> <p>15 Q. That was not a TCPA case?</p> <p>16 A. No. That was related to expropriation</p> <p>17 of about \$28 million in taxpayer assets with</p> <p>18 no compensation for the taxpayers.</p> <p>19 Q. You might have more success nowadays.</p> <p>20 A. Yeah, Maine's a crazy place.</p> <p>21 Q. It is, it really is.</p> <p>22 With respect to the TCPA lawsuits</p> <p>23 that you filed, are they all related to</p> <p>24 allegations that you signed up on a web form</p> <p>25 to receive calls?</p>
<p style="text-align: right;">Page 31</p> <p>1 cases.</p> <p>2 Q. Say that one more time.</p> <p>3 A. I'm not able to differentiate on the</p> <p>4 conclusions of other class actions so I</p> <p>5 don't know whether it was a class action,</p> <p>6 whether there was a settlement agreement</p> <p>7 reached by my attorneys or whether it had</p> <p>8 gone to a bench trial with a motion for</p> <p>9 summary judgment or any of those other</p> <p>10 things. I'm not into the details of the</p> <p>11 legal logistics.</p> <p>12 Q. Are you aware of any juries having found</p> <p>13 or made a decision in any of your cases?</p> <p>14 A. I don't think so, but I'm not 100 percent</p> <p>15 sure.</p> <p>16 Q. Do you recall any of the other defendants</p> <p>17 that you have filed in TCPA lawsuits?</p> <p>18 MR. PERRONG: Objection to form.</p> <p>19 A. Yes.</p> <p>20 Q. What are the names?</p> <p>21 MR. PERRONG: Objection to form.</p> <p>22 A. I think Liberty Power, Honda, Sun Run. Did</p> <p>23 you want all cases or just TCPA cases?</p> <p>24 Q. TCPA cases.</p> <p>25 A. I think there are probably other cases, but</p>	<p style="text-align: right;">Page 33</p> <p>1 A. At times that's been the defendant's</p> <p>2 position, and in my experience that's</p> <p>3 related to, I believe it's called lead</p> <p>4 laundering where an unscrupulous third</p> <p>5 party will take data lists and put</p> <p>6 them into web forms and amass to manufacture</p> <p>7 consent where none exists.</p> <p>8 Q. With respect to consent, so would you agree</p> <p>9 that -- strike that.</p> <p>10 Have you ever entered your name</p> <p>11 into a web browser to receive information or</p> <p>12 services from a company?</p> <p>13 MR. PERRONG: Objection to form.</p> <p>14 Q. Not specific to this lawsuit. Just in</p> <p>15 general.</p> <p>16 A. Can you please clarify the question?</p> <p>17 Q. Sure. I'll give you an example. Have you</p> <p>18 ever purchased clothing online?</p> <p>19 A. Yes.</p> <p>20 Q. And have you ever consented to receiving</p> <p>21 telemarketing calls by consenting to, on</p> <p>22 those websites at the time making the</p> <p>23 purchase?</p> <p>24 A. No, because the consent to receive</p> <p>25 telemarketing calls is separate from the</p>

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<p style="text-align: right;">Page 34</p> <p>1 consent related to the transaction.</p> <p>2 Q. And do you ever provide your consent to</p> <p>3 receive telemarketing calls?</p> <p>4 A. No.</p> <p>5 Q. Have you ever wondered why you're getting</p> <p>6 so many telemarketing calls?</p> <p>7 MR. PERRONG: Objection to form.</p> <p>8 A. I have, yes.</p> <p>9 Q. Have you ever looked into it? Like was</p> <p>10 your number ever associated with like some</p> <p>11 sort of data leak or anything like that?</p> <p>12 MR. PERRONG: Objection to form.</p> <p>13 A. I have looked into it. I don't believe</p> <p>14 it's been from data leaks.</p> <p>15 Q. What have you found with respect to your</p> <p>16 phone number being used in these sort of</p> <p>17 lists?</p> <p>18 MR. PERRONG: Objection to form.</p> <p>19 A. There are third parties that will manufacture</p> <p>20 consent by taking large lists of phone</p> <p>21 numbers and running them through web forms</p> <p>22 in a script.</p> <p>23 Q. Do you know who these third-party</p> <p>24 manufacturers are?</p> <p>25 MR. PERRONG: Objection to form.</p>	<p style="text-align: right;">Page 36</p> <p>1 it. I want to show you.</p> <p>2 So I'm just -- all I did was count</p> <p>3 the number of calls here. 479.</p> <p>4 A. That would appear to be correct.</p> <p>5 Q. And all the calls came from the same caller</p> <p>6 ID, is that right?</p> <p>7 A. That's what it says, yes.</p> <p>8 Q. Do you know who was using that phone number</p> <p>9 at this period of time?</p> <p>10 MR. PERRONG: Objection to form.</p> <p>11 A. The complaint says Consumer Nsight, but</p> <p>12 again, as I'm sure you're more than well</p> <p>13 aware, this specific issue has been litigated</p> <p>14 at length about ownership and vicarious</p> <p>15 liability and so on and so forth.</p> <p>16 Q. Sure, that's all right. I still have to ask</p> <p>17 the question, unfortunately. You get it,</p> <p>18 right?</p> <p>19 A. Yeah, I do.</p> <p>20 Q. Do you know what type of calls these were?</p> <p>21 MR. PERRONG: Objection to form.</p> <p>22 A. It would appear they're telemarketing calls.</p> <p>23 Q. Did you answer any of the nine phone calls?</p> <p>24 MR. PERRONG: Objection to form.</p> <p>25 A. Is that in the complaint?</p>
<p style="text-align: right;">Page 35</p> <p>1 A. I don't know offhand, but I do believe</p> <p>2 they've been identified in other lawsuits.</p> <p>3 Q. Do you know the names of any of them?</p> <p>4 A. Not offhand.</p> <p>5 Q. Do you know the other lawsuits they've</p> <p>6 been identified in?</p> <p>7 A. I don't. Actually, I remember one of them.</p> <p>8 Mezzi Marketing.</p> <p>9 Q. How do you spell "Mezzi"?</p> <p>10 A. M E Z Z I.</p> <p>11 Q. Okay. Are you aware of whether your phone</p> <p>12 number has ever been associated with those</p> <p>13 big third-party manufacturers?</p> <p>14 MR. PERRONG: Objection to form.</p> <p>15 A. I don't have specific knowledge, but I</p> <p>16 would strongly suspect it.</p> <p>17 Q. Do you believe that's what happened here</p> <p>18 in this case?</p> <p>19 A. I don't know what happened here.</p> <p>20 Q. In the complaint I just showed you, it</p> <p>21 identified nine telephone calls, is that</p> <p>22 right? I can bring it up again.</p> <p>23 A. If that is what's in the complaint, I'll</p> <p>24 agree to that.</p> <p>25 Q. Okay. I don't want you to take my word for</p>	<p style="text-align: right;">Page 37</p> <p>1 Q. Let me give you a chance to read the</p> <p>2 complaint. So this is Page 5 and this is</p> <p>3 the extent of the factual allegations after</p> <p>4 Page 4. So tell me when to flip the page,</p> <p>5 okay?</p> <p>6 A. Go ahead. Looks like I answered the ninth</p> <p>7 call.</p> <p>8 Q. And so on the first eight calls, you did</p> <p>9 not answer?</p> <p>10 A. That's what it says, yes.</p> <p>11 Q. Is that your memory as well?</p> <p>12 A. I don't remember, but if it's in the</p> <p>13 complaint, then that's what happened.</p> <p>14 Q. And do you know if you received a voice</p> <p>15 message on any of the first eight calls?</p> <p>16 MR. PERRONG: Objection to form.</p> <p>17 A. I don't know.</p> <p>18 Q. If you did receive a voice message, would</p> <p>19 you still have it?</p> <p>20 MR. PERRONG: Objection to form.</p> <p>21 A. I might. I would have to look.</p> <p>22 Q. I'd just ask you to preserve that if you</p> <p>23 do have it. I haven't seen it. Do you know</p> <p>24 the purpose of those first eight calls?</p> <p>25 MR. PERRONG: Objection to form.</p>

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<p style="text-align: right;">Page 38</p> <p>1 A. I don't know the purpose of the eight 2 calls, but it's my understanding that in 3 contracted situations like this, in some 4 instances a consistent phone number will 5 be used by a party that they're contracting 6 on behalf of so that they can keep track 7 of things like this. 8 Q. Have you ever seen any documentation showing 9 the purpose of the first eight calls? 10 A. I don't know. 11 Q. Nothing that comes to mind at the moment? 12 A. No. 13 Q. When you receive unwanted calls like this, 14 do you make a log or a note? 15 MR. PERRONG: Objection to form. 16 A. Can you please clarify the question? 17 Q. Sure. So we've already talked about you 18 filed a number of different lawsuits, right? 19 A. Correct. 20 Q. And in each lawsuit you allege the illegal 21 calls that are made to you, is that fair? 22 A. That's fair. 23 Q. Do you keep a running note, like a log or 24 diary on calls that you receive that you 25 believe were unwanted?</p>	<p style="text-align: right;">Page 40</p> <p>1 relevant. Did you make a relevant 2 determination as to what to provide your 3 counsel? 4 MR. PERRONG: Same objection. 5 Q. You can answer. 6 A. Everything that was relevant would have 7 been provided. 8 Q. I understand, but how did you determine 9 what was relevant? 10 MR. PERRONG: Objection, same 11 objection. 12 A. The court order provided by my attorneys. 13 Q. Did you ever look for notes relating to 14 these phone calls at issue? 15 A. If I had notes, I would have looked for 16 them, found them and provided them. 17 Q. So if no notes were produced, then they 18 don't exist, is that fair? 19 A. That's fair. 20 Q. That's all I'm getting at. Same for voice 21 messages, if no voice messages were produced, 22 they don't exist, is that fair? 23 A. That's fair. 24 Q. Do you know anything about the eight calls, 25 whether they were prerecorded or live,</p>
<p style="text-align: right;">Page 39</p> <p>1 MR. PERRONG: Object to form. 2 A. I did, but not anymore. 3 Q. When did you stop doing that? 4 A. I don't remember. 5 Q. Prior to 2024, did you stop doing it? 6 A. Yes. 7 Q. Prior to 2023? 8 A. I don't remember when I stopped. 9 Q. Do you think you had notes for the calls 10 at issue in this case? 11 MR. PERRONG: Objection to form. 12 A. I might have. I don't know. 13 Q. Do you still have those notes or a diary? 14 MR. PERRONG: Objection to form. 15 A. I don't know where -- I might. I don't know. 16 Q. You haven't looked for them? 17 MR. PERRONG: Objection to form. 18 A. I would have provided everything that's 19 relevant to the case. 20 Q. Who determined relevancy? 21 MR. PERRONG: Objection to form, 22 and to the extent that it asks for 23 attorney-client information, I'm instructing 24 the witness not to answer. 25 Q. You said you would provide everything</p>	<p style="text-align: right;">Page 41</p> <p>1 anything like that? 2 MR. PERRONG: Objection to form. 3 A. Can you please clarify the question? 4 Q. Sure. Do you have any personal knowledge 5 as to how the calls were made, whether they 6 were prerecorded, by a live human? Do you 7 know anything about how they were made? 8 MR. PERRONG: Objection to form. 9 A. I don't, but it would be highly surprising 10 if they were made by a person manually typing 11 in the numbers. 12 Q. But that statement is based on speculation, 13 right? 14 MR. PERRONG: Objection to form. 15 A. I think logic would dictate that if you 16 have a firm making thousands or hundreds 17 of thousands of outbound calls a day, 18 they're probably not having somebody manually 19 enter a number for every single call. 20 Q. Fair enough, but putting aside logic or 21 reason, do you know how these calls are made? 22 MR. PERRONG: Objection to form. 23 A. No. 24 Q. With respect to the ninth call, do you have 25 a memory of that ninth call?</p>

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<p style="text-align: right;">Page 42</p> <p>1 A. No.</p> <p>2 Q. So fair to say you don't know how that</p> <p>3 call was made?</p> <p>4 MR. PERRONG: Objection to form.</p> <p>5 A. If you have a recording, then we can</p> <p>6 listen to it.</p> <p>7 Q. That wasn't my question.</p> <p>8 A. If there's a recording, that would help</p> <p>9 to answer whether it was how the call was</p> <p>10 made.</p> <p>11 Q. Fair enough. But at the moment,</p> <p>12 unfortunately, you just have to answer the</p> <p>13 questions posed. Do you have a memory</p> <p>14 of how the calls were made, as you sit</p> <p>15 here today?</p> <p>16 MR. PERRONG: Objection to form.</p> <p>17 A. No.</p> <p>18 Q. And we will listen to the recording that I</p> <p>19 have, but it's not a full recording because</p> <p>20 it wasn't the recording from the caller.</p> <p>21 It was the transcript portion of it. That's</p> <p>22 why I'm asking about the actual first part</p> <p>23 of the call. Do you have a memory as to</p> <p>24 whether the caller was a man or a woman?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 44</p> <p>1 (Exhibit 4 marked for</p> <p>2 identification.)</p> <p>3 Q. Have you seen this demand letter before?</p> <p>4 A. Yes.</p> <p>5 Q. You see the date of it, it's March 16, 2023?</p> <p>6 A. I see the date, yes.</p> <p>7 Q. It says "In Re: Samuel Katz of 26 Porter</p> <p>8 Drive, Bellingham, Mass." Have you ever</p> <p>9 lived there?</p> <p>10 A. He had called it Porter Drive, but it was a</p> <p>11 typo. It was actually Potter Drive.</p> <p>12 Q. Okay. And did you live in Bellingham, Mass.?</p> <p>13 A. I did, yes.</p> <p>14 Q. In 2023?</p> <p>15 A. No. I think that the date on there is</p> <p>16 probably an auto date and then the Word</p> <p>17 document was converted to PDF on that date</p> <p>18 and that fixed in that date. This would</p> <p>19 have been substantially before 2023.</p> <p>20 Q. Okay. That's helpful because I had no</p> <p>21 idea because if you see -- this is what I'm</p> <p>22 going to ask you about. Do you see these</p> <p>23 numbers? These are all from the earlier</p> <p>24 case, right?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Do you have a memory as to what they said</p> <p>2 to you in the call?</p> <p>3 A. I don't. That's in the complaint. The</p> <p>4 reason that we're here is because it was</p> <p>5 my understanding on the first settlement</p> <p>6 agreement that Allied First had a, I think</p> <p>7 what was referred to as a bad apple or</p> <p>8 someone who has gone rogue and was involved</p> <p>9 in this behavior, and my attorney and I</p> <p>10 were led to believe that it wouldn't happen</p> <p>11 again.</p> <p>12 Q. With respect to the first one?</p> <p>13 A. Correct, with respect to the illegal</p> <p>14 telemarketing calls.</p> <p>15 Q. Right, but I'm just trying to clarify when</p> <p>16 you said the first one. Is that the 2016</p> <p>17 settlement agreement we looked at?</p> <p>18 A. Correct.</p> <p>19 Q. I'm going to come back to these calls, but</p> <p>20 I want to ask you since you brought it up</p> <p>21 about your attorney. I saw in your</p> <p>22 production a demand letter from Fink Law</p> <p>23 Office. I'm going to mark this next document</p> <p>24 as the next exhibit. We're on Exhibit 4.</p> <p>25</p>	<p style="text-align: right;">Page 45</p> <p>1 Q. Okay. But I saw this in the production, and</p> <p>2 you think that was just auto-populated?</p> <p>3 A. Yeah. Did I produce this or did the</p> <p>4 defendants produce this? It must have been</p> <p>5 me.</p> <p>6 Q. Yeah, see, "Katz"?</p> <p>7 A. Yes, that must have been auto-populated.</p> <p>8 Q. Got it. We can put that away. Thank you</p> <p>9 for clearing that up.</p> <p>10 A. Sure.</p> <p>11 Q. Going back to these calls at issue -- give</p> <p>12 me a second. I'm sorry.</p> <p>13 A. Sure.</p> <p>14 Q. Going back to the calls at issue, the</p> <p>15 allegation is that Consumer Nsight made the</p> <p>16 calls on behalf of Allied First, is that</p> <p>17 fair?</p> <p>18 A. Yes, I believe that's what's in the</p> <p>19 complaint.</p> <p>20 Q. Do you know anything -- do you personally</p> <p>21 know anything about the relationship between</p> <p>22 Consumer Nsight and Allied First?</p> <p>23 MR. PERRONG: Objection to form.</p> <p>24 A. I don't.</p> <p>25 Q. What about the caller, Iconic Results, do</p>

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<p style="text-align: right;">Page 46</p> <p>1 you know anything about them?</p> <p>2 MR. PERRONG: Objection to form.</p> <p>3 A. I don't know anything about them.</p> <p>4 Q. Do you know anything about a relationship</p> <p>5 between Iconic Results and Allied First?</p> <p>6 MR. PERRONG: Objection to form.</p> <p>7 A. They placed the calls.</p> <p>8 Q. Who did?</p> <p>9 A. Iconic Results and Consumer Nsight.</p> <p>10 Q. Right, but do you know of any contractual</p> <p>11 relationship between Allied First and Iconic</p> <p>12 Results?</p> <p>13 MR. PERRONG: Objection to form,</p> <p>14 and to the extent that it's based on</p> <p>15 attorney-client information that we</p> <p>16 discussed, I'm instructing the witness not</p> <p>17 to answer.</p> <p>18 A. I'm not going to answer that.</p> <p>19 Q. Do you have any personal knowledge as to</p> <p>20 any contractual relationship between Allied</p> <p>21 First and Iconic Results?</p> <p>22 MR. PERRONG: Same objection.</p> <p>23 A. If I was live transferred to Allied First</p> <p>24 or my information was sold to Allied First,</p> <p>25 then that would explain the connection with</p>	<p style="text-align: right;">Page 48</p> <p>1 you answer it?</p> <p>2 A. I don't remember.</p> <p>3 Q. Again, we can mark this confidential.</p> <p>4 What's your e-mail address?</p> <p>5 A. SK47110@GMAIL.COM.</p> <p>6 Q. Okay. I'm going to mark as the next exhibit,</p> <p>7 Exhibit 5, an e-mail that you produced.</p> <p>8 (Exhibit 5 marked for</p> <p>9 identification.)</p> <p>10 Q. Do you see this relates to the earlier calls,</p> <p>11 March 22nd, 2016?</p> <p>12 A. Yes, I see that.</p> <p>13 Q. When you received a call from a known entity,</p> <p>14 would you transfer it to your e-mail address</p> <p>15 to save it?</p> <p>16 MR. PERRONG: Objection to form.</p> <p>17 A. Are you asking how I received this</p> <p>18 notification?</p> <p>19 Q. Well, I guess I can now, but that wasn't my</p> <p>20 question. But how did you receive this</p> <p>21 notification?</p> <p>22 A. It was sent to me automatically.</p> <p>23 Q. Did you set up automatic notifications on</p> <p>24 your phone?</p> <p>25 MR. PERRONG: Objection to form.</p>
<p style="text-align: right;">Page 47</p> <p>1 them.</p> <p>2 Q. But that's the entirety of your knowledge?</p> <p>3 A. It's my understanding that's how vicarious</p> <p>4 liability works, is that the company that</p> <p>5 is ultimately paying for the calls to be</p> <p>6 made is liable.</p> <p>7 Q. Putting aside vicarious liability and your</p> <p>8 knowledge of it, other than the fact that</p> <p>9 the call was transferred, do you have any</p> <p>10 other knowledge as to any contractual</p> <p>11 relationship between the companies?</p> <p>12 MR. PERRONG: Same objection.</p> <p>13 A. I don't believe I know anything other than</p> <p>14 material from attorney-client privilege.</p> <p>15 Q. Okay. So your knowledge is limited to</p> <p>16 the fact that you received a call and were</p> <p>17 transferred to Allied First?</p> <p>18 A. That's fair.</p> <p>19 Q. With respect to the first eight calls, why</p> <p>20 didn't you just answer and tell them not</p> <p>21 to call you?</p> <p>22 MR. PERRONG: Objection to form.</p> <p>23 A. I don't know what I was doing for those</p> <p>24 first eight calls.</p> <p>25 Q. What was it about the ninth call that made</p>	<p style="text-align: right;">Page 49</p> <p>1 A. I don't remember if it was automatic from</p> <p>2 Verizon or if I had to change that setting.</p> <p>3 Q. Did you have that set up in 2022?</p> <p>4 A. No. I didn't have a Verizon phone at</p> <p>5 that time.</p> <p>6 Q. Did you have any notification set up in</p> <p>7 2022 that alerted you to calls made to your</p> <p>8 phone?</p> <p>9 MR. PERRONG: Objection to form.</p> <p>10 A. The phone would ring.</p> <p>11 Q. Sure.</p> <p>12 A. That would be notification.</p> <p>13 Q. Other than the phone ring -- so I</p> <p>14 specifically want to focus on Exhibit 5.</p> <p>15 This is a notification you received back</p> <p>16 in 2016, right?</p> <p>17 A. Correct.</p> <p>18 Q. And this would be sent to your G-mail account</p> <p>19 that you just identified, right?</p> <p>20 A. Correct.</p> <p>21 Q. And then you would save these e-mails, right?</p> <p>22 A. I wouldn't. There's no auto-delete so they</p> <p>23 would be retained automatically. I didn't</p> <p>24 go out of my way to save them.</p> <p>25 Q. Okay. I mean, the reason I ask is you</p>

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<p style="text-align: right;">Page 50</p> <p>1 produced them in this lawsuit, so that's</p> <p>2 going on like six, seven years.</p> <p>3 A. I would have produced anything related to</p> <p>4 Allied First in this lawsuit.</p> <p>5 Q. You don't have anything like this or at</p> <p>6 least it wasn't produced relating to the</p> <p>7 calls in early 2022, so that's why I'm asking</p> <p>8 about the notifications. Were they shut</p> <p>9 off or did you not have them in 2022?</p> <p>10 A. The phone number in 2022 would have been a</p> <p>11 NumberBarn phone number which doesn't have</p> <p>12 a notification.</p> <p>13 Q. What is NumberBarn?</p> <p>14 A. The Voice over IP provider.</p> <p>15 Q. Okay.</p> <p>16 MR. PERRONG: Kevin, I don't want</p> <p>17 to stop your flow here, but we've been at</p> <p>18 this for an hour. Any idea how long we're</p> <p>19 going to be or if we want to take a short</p> <p>20 break?</p> <p>21 MR. POLANSKY: Yeah, let's take</p> <p>22 a short break. I don't know, we're in a</p> <p>23 groove so I couldn't see us going more</p> <p>24 than another hour, but I could see us taking</p> <p>25 up the next hour.</p>	<p style="text-align: right;">Page 52</p> <p>1 MR. PERRONG: Objection to form.</p> <p>2 Q. Let me see. At that period of time you</p> <p>3 were at -- was it the 209 address?</p> <p>4 A. Yes. I own that house.</p> <p>5 Q. You had a mortgage on the home?</p> <p>6 A. Yes.</p> <p>7 Q. Do you recall whether you were looking for</p> <p>8 finance options in early 2022?</p> <p>9 MR. PERRONG: Objection to form.</p> <p>10 A. I was not looking to refinance my home at</p> <p>11 that time.</p> <p>12 Q. Okay. Is the home in both yours and your</p> <p>13 wife's name?</p> <p>14 A. I think it is, but I don't know.</p> <p>15 Q. The reason I ask is if she was on the</p> <p>16 mortgage, do you know if she was looking</p> <p>17 for options for financing at that time?</p> <p>18 A. No. She doesn't manage anything to do</p> <p>19 with our finances.</p> <p>20 Q. Okay. I'm going to go back to the complaint</p> <p>21 again which I think is Exhibit 3. In your</p> <p>22 complaint under Count, or I guess under</p> <p>23 Allied First liability for Consumer Nsight's</p> <p>24 conduct, it says, "Allied First maintained</p> <p>25 interim control of our Consumer Nsight." Do</p>
<p style="text-align: right;">Page 51</p> <p>1 MR. PERRONG: Okay. Can we do five</p> <p>2 minutes or so?</p> <p>3 MR. POLANSKY: Yeah, five or ten.</p> <p>4 What's better for everyone?</p> <p>5 MR. PERRONG: I think five.</p> <p>6 MR. POLANSKY: Mr. Katz, does that</p> <p>7 work for you?</p> <p>8 THE WITNESS: That works for me.</p> <p>9 MR. POLANSKY: Why don't we come</p> <p>10 back at 11:10.</p> <p>11 THE WITNESS: Okay.</p> <p>12 (Break taken)</p> <p>13 BY MR. POLANSKY:</p> <p>14 Q. In early 2022, do you recall receiving any</p> <p>15 other calls around this period soliciting</p> <p>16 loans from any other entity?</p> <p>17 MR. PERRONG: Objection to form.</p> <p>18 A. I don't remember offhand.</p> <p>19 Q. Do you know in 2022 whether you were taking</p> <p>20 any steps to refinance?</p> <p>21 MR. PERRONG: Objection to form.</p> <p>22 A. I was not taking any steps to refinance my</p> <p>23 mortgage at that time.</p> <p>24 Q. Do you own the home in Arkansas?</p> <p>25 A. Which one?</p>	<p style="text-align: right;">Page 53</p> <p>1 you have any personal knowledge, nothing</p> <p>2 coming from your counsel, of course,</p> <p>3 regarding any sort of control that Allied</p> <p>4 First might have used over Consumer Nsight?</p> <p>5 MR. PERRONG: Objection to form</p> <p>6 and objection in terms of counsel like we</p> <p>7 discussed.</p> <p>8 A. I don't think there's anything I could</p> <p>9 answer on that that would not have been</p> <p>10 provided by counsel.</p> <p>11 Q. Fair enough. Just as we go forward, you're</p> <p>12 aware that all my questions, I'm not asking</p> <p>13 for anything you discussed with counsel,</p> <p>14 right?</p> <p>15 A. Yes.</p> <p>16 Q. I just want to make that clear. Now, have</p> <p>17 you ever used the name James Weim before?</p> <p>18 MR. PERRONG: Objection to form.</p> <p>19 A. Was that on the lead form?</p> <p>20 Q. What's that?</p> <p>21 A. Was that name on the lead form?</p> <p>22 Q. I'm just asking if you used that before.</p> <p>23 A. It is possible.</p> <p>24 Q. Okay. If we go back to your answers to</p> <p>25 interrogatories, in No. 13 you state --</p>

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<p style="text-align: right;">Page 54</p> <p>1 strike that.</p> <p>2 Looking at your answer to</p> <p>3 interrogatories, you were asked, "identify</p> <p>4 each and every instance in which you or</p> <p>5 someone on your behalf has provided the alias</p> <p>6 or name, James Weim, including, but not</p> <p>7 limited to, through website forms, e-mail</p> <p>8 telephone or text." It says, "subject to</p> <p>9 the foregoing, the plaintiff has only used</p> <p>10 that name when answering an illegal</p> <p>11 telemarketing call." Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Is it fair to say that you have used that</p> <p>14 name before?</p> <p>15 MR. PERRONG: Objection to form.</p> <p>16 A. I think it's fair to say that I have in the</p> <p>17 context of an illegal telemarketing call.</p> <p>18 Q. So you've used the name with respect to</p> <p>19 illegal telemarketing calls, is that fair?</p> <p>20 MR. PERRONG: Objection.</p> <p>21 A. Yes.</p> <p>22 Q. Have you used any outside of illegal</p> <p>23 telemarketing calls?</p> <p>24 MR. PERRONG: Objection to form.</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 56</p> <p>1 live transfers from a third party.</p> <p>2 Q. Right. And the third party that made the</p> <p>3 call was Consumer Nsight, is that right?</p> <p>4 MR. PERRONG: Objection to form.</p> <p>5 A. It would appear that way.</p> <p>6 Q. Have you listened to the voice recording</p> <p>7 for that call?</p> <p>8 MR. PERRONG: Objection to form.</p> <p>9 A. Yes.</p> <p>10 MR. POLANSKY: I don't think I've</p> <p>11 asked a single question that you haven't</p> <p>12 objected to. This could be a record for me.</p> <p>13 Q. When was the last time you listened to it?</p> <p>14 A. I don't know.</p> <p>15 Q. Have you ever gone onto the website</p> <p>16 LENDERCONSULTANT.COM?</p> <p>17 A. No.</p> <p>18 Q. Did you ever look through your browser to</p> <p>19 see if you've used that site?</p> <p>20 MR. PERRONG: Objection to form.</p> <p>21 A. I'm sure that I probably did, but I don't</p> <p>22 randomly fill out my information online.</p> <p>23 Q. During the scope of this lawsuit, did you</p> <p>24 ever review any sort of Internet browser</p> <p>25 of yours to see if you have visited that</p>
<p style="text-align: right;">Page 55</p> <p>1 Q. Where did you come up with that name?</p> <p>2 MR. PERRONG: Objection to form.</p> <p>3 A. Weim, it would have been "Weim" because of</p> <p>4 the dog breed, but I don't -- James would</p> <p>5 have been a generic name.</p> <p>6 Q. How long have you been using that name with</p> <p>7 illegal telemarketing calls?</p> <p>8 MR. PERRONG: Objection to form.</p> <p>9 A. I don't know.</p> <p>10 Q. Going back over five years?</p> <p>11 MR. PERRONG: Objection.</p> <p>12 A. I don't know.</p> <p>13 Q. Do you recall using that name on the ninth</p> <p>14 call at issue here?</p> <p>15 MR. PERRONG: Objection.</p> <p>16 A. I don't remember anything about the ninth</p> <p>17 call.</p> <p>18 Q. Okay. Are you aware that the ninth call</p> <p>19 was transferred to Allied?</p> <p>20 A. Yes, I'm aware of that.</p> <p>21 Q. And you're aware that Allied didn't make</p> <p>22 the call, but it was transferred to them?</p> <p>23 MR. PERRONG: Objection to form.</p> <p>24 A. I think this is splitting hairs here where</p> <p>25 Allied would appear was involved in buying</p>	<p style="text-align: right;">Page 57</p> <p>1 site?</p> <p>2 MR. PERRONG: Objection.</p> <p>3 A. I would have, yes.</p> <p>4 Q. Have you ever used the alias James Weim</p> <p>5 when entering any information on an online</p> <p>6 website?</p> <p>7 MR. PERRONG: Objection to form,</p> <p>8 asked and answered.</p> <p>9 A. No.</p> <p>10 Q. Did you answer that question?</p> <p>11 A. My answer is no.</p> <p>12 Q. Okay. I'm going to try to play this audio.</p> <p>13 I usually don't have success, but let me</p> <p>14 know if you can hear this.</p> <p>15 (Playing audio)</p> <p>16 Q. Can you hear this?</p> <p>17 A. No.</p> <p>18 Q. Can you hear this?</p> <p>19 (Playing audio)</p> <p>20 A. No.</p> <p>21 Q. Anything now?</p> <p>22 (Playing audio)</p> <p>23 A. No.</p> <p>24 Q. This is like the end of my exam. I can't</p> <p>25 get this to play.</p>

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<p style="text-align: right;">Page 58</p> <p>1 MR. PERRONG: I think maybe if you</p> <p>2 share your screen with your audio player,</p> <p>3 that might --</p> <p>4 MR. POLANSKY: Love it, good</p> <p>5 suggestion.</p> <p>6 Q. You can't see my e-mail, can you?</p> <p>7 MR. PERRONG: We can.</p> <p>8 A. Yeah.</p> <p>9 Q. Okay. Let's move this to a different screen.</p> <p>10 Can you hear that?</p> <p>11 (Playing audio)</p> <p>12 MR. PERRONG: I heard a little</p> <p>13 snippet, but it's very faint.</p> <p>14 A. Very faint.</p> <p>15 Q. Can you hear it?</p> <p>16 MR. PERRONG: No. We can hear it,</p> <p>17 but it was cut off. So whatever you did, we</p> <p>18 can hear it now.</p> <p>19 (Playing audio)</p> <p>20 Q. Could you hear any of that?</p> <p>21 A. Yes.</p> <p>22 Q. Does that refresh your memory as to whether</p> <p>23 you used the name James Weim on that call?</p> <p>24 A. Without the first part of the call, I don't</p> <p>25 know that I could answer that.</p>	<p style="text-align: right;">Page 60</p> <p>1 MR. PERRONG: Objection to form.</p> <p>2 A. Yes.</p> <p>3 Q. Why would you do that?</p> <p>4 A. To track down who was making the illegal</p> <p>5 calls.</p> <p>6 Q. Were you able to do that in this case?</p> <p>7 A. Yes.</p> <p>8 Q. Who ultimately were you able to track down?</p> <p>9 A. The defendant in this case.</p> <p>10 Q. There are a few defendants. Who are you</p> <p>11 referring to?</p> <p>12 A. Allied First Bank.</p> <p>13 Q. And at any point in time, did you tell</p> <p>14 Allied First not to contact you?</p> <p>15 MR. PERRONG: Objection to form.</p> <p>16 A. I think the first interaction with Allied</p> <p>17 First should have made that pretty clear.</p> <p>18 Q. I'm going to play the rest of that call</p> <p>19 because I have to put my headset next to</p> <p>20 the speaker. I'm not going to speak, so</p> <p>21 just listen and then I'll have some</p> <p>22 questions, okay?</p> <p>23 A. Okay.</p> <p>24 (Playing audio)</p> <p>25 Q. Did you hear that all the way through?</p>
<p style="text-align: right;">Page 59</p> <p>1 Q. Okay. You just don't have a memory of it?</p> <p>2 A. It could be that they had a database entry</p> <p>3 they're calling based on the name and the</p> <p>4 phone number and then they say a name and</p> <p>5 then go along and then, again, you know,</p> <p>6 if I had the recording of the first part</p> <p>7 handy, we could probably go through it a</p> <p>8 little bit easier, but if we don't have</p> <p>9 that, it's probably that they could have</p> <p>10 prompted me or I could have said it. I</p> <p>11 don't remember which one.</p> <p>12 Q. Yeah, I don't have the beginning of the</p> <p>13 call. I just have the transcript piece of</p> <p>14 it. You don't have a memory one way or</p> <p>15 the other?</p> <p>16 A. No.</p> <p>17 Q. Okay. Let's assume the former, which is</p> <p>18 that they said the name to you and you agreed</p> <p>19 with it. Would you ever have a situation</p> <p>20 where you would tell them "that's not my</p> <p>21 name, you have the wrong person"?</p> <p>22 MR. PERRONG: Objection to form.</p> <p>23 A. I don't remember.</p> <p>24 Q. Would you ever play along with them and</p> <p>25 use that name?</p>	<p style="text-align: right;">Page 61</p> <p>1 A. I did.</p> <p>2 Q. Is it your position that that was an</p> <p>3 unwanted telemarketing call?</p> <p>4 A. That's an incomplete recording which omits</p> <p>5 the outbound call which was placed to me,</p> <p>6 but it sounded like there was some type</p> <p>7 of data connection between Allied First</p> <p>8 and the party who made the call which would</p> <p>9 show that there's a pretty significant</p> <p>10 relationship between them.</p> <p>11 Q. Did you understand my question?</p> <p>12 A. Yes.</p> <p>13 MR. PERRONG: Objection to form.</p> <p>14 Q. Was that an unwanted telemarketing call?</p> <p>15 MR. PERRONG: Objection to form.</p> <p>16 A. It was the second part of an unwanted</p> <p>17 telemarketing call.</p> <p>18 Q. In that call, did you ever ask Allied First</p> <p>19 not to contact you?</p> <p>20 MR. PERRONG: Objection to form.</p> <p>21 A. Once I realized it was the defendant or</p> <p>22 potential defendant that I had already dealt</p> <p>23 with before and that it was going to go</p> <p>24 through litigation, I didn't want to continue</p> <p>25 the call.</p>

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<p style="text-align: right;">Page 62</p> <p>1 Q. Understood. I guess my question is a little 2 different. Did you ever tell Allied First 3 not to contact you during that call? 4 MR. PERRONG: Objection to form. 5 A. Well, my phone number was on the National 6 Do Not Call Registry. 7 Q. Sure. I'll ask it again. Did you ever 8 tell Allied First during that call not to 9 contact you again? 10 MR. PERRONG: Objection to form, 11 asked and answered and the recording speaks 12 for itself. 13 Q. Do you understand the question? 14 A. I do. 15 Q. Can you answer it? 16 A. The effort to avoid the calls that have 17 already been made twice before on the 18 National Do Not Call Registry and the 19 previous litigation in which Allied First 20 had led me to believe that the previous 21 actions from 2016 were a result of a bad 22 apple and not a result of an enterprise-wide 23 effort to encourage illegal telemarketing 24 calls. 25 Q. During that call you just listened to, did</p>	<p style="text-align: right;">Page 64</p> <p>1 MR. POLANSKY: Okay. Let it be 2 known that he didn't answer the question 3 and I'm entitled to ask questions about a 4 recording or a document, for that matter. 5 The document doesn't just speak for itself. 6 He has to answer the questions. He has 7 not answered the question as to whether he 8 on that call told Allied First not to call 9 him. So if this is the road you want to 10 go down -- 11 MR. PERRONG: To the extent you 12 provide an incomplete recording and you ask 13 him a question about an incomplete recording 14 that has a partial recording there, it's 15 our position that this is -- it's a trick 16 question, it's an incomplete question. He 17 provided a complete answer. To the extent 18 that you have a complete recording of the 19 call, you can ask about the complete 20 recording of the call. To the extent that 21 you can ask about his recollection of what 22 he had on the call, he can answer as to 23 his recollection on the call, but it's a 24 bogus question, it's an incomplete question. 25 If you want to rephrase it, you can rephrase</p>
<p style="text-align: right;">Page 63</p> <p>1 you ever ask Allied First not to contact 2 you again? 3 MR. PERRONG: Objection. This is 4 the fourth time you've asked the question. 5 Asked and answered. 6 MR. POLANSKY: He hasn't answered 7 it yet. 8 MR. PERRONG: I'm asking the witness 9 not to answer, and if you want, we can call 10 the court on that and we can -- 11 MR. POLANSKY: We should because he 12 hasn't answered it. 13 A. I'm not going to answer it. 14 Q. So you're not going to answer that question? 15 A. Correct. 16 MR. PERRONG: We said, A, that 17 he's answered it four times. B, that the 18 recording speaks for itself and you're asking 19 for a question as to what he said on the 20 recording when the recording speaks for 21 itself. C, he's already answered the 22 question as to whether or not he's told 23 Allied First previously not to call. If 24 you want to continue down this road, we 25 can call the court.</p>	<p style="text-align: right;">Page 65</p> <p>1 it. 2 MR. POLANSKY: No, I'll keep it. 3 So you're instructing him not to answer? 4 MR. PERRONG: Why don't you ask 5 the question that you want. I'll provide 6 the witness one more opportunity to answer 7 and we can see where we go from there. 8 MR. POLANSKY: Okay. 9 Q. Mr. Katz, did you have any difficulty 10 listening to that recording? 11 A. No. 12 Q. Did you hear when Allied came onto the call? 13 A. I heard the recording from Allied's 14 perspective. 15 Q. And during that portion of the recording 16 when Allied was on the call, did you ever 17 ask the individual at Allied not to call you 18 again? 19 A. That is not on the recording. The request 20 had already been made twice. Additionally, 21 the 92A Lincoln Street would have been a 22 fictitious address that I probably provided 23 on another illegal telemarketing call. 24 Q. When you say 92A, that's an illegal address? 25 Is that what you said?</p>

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<p style="text-align: right;">Page 66</p> <p>1 A. The address was 92. There was no such thing 2 as 92A. 92A more than likely would have 3 been provided on another illegal 4 telemarketing call. 5 Q. And when you say "provided," provided by who? 6 A. Myself. 7 Q. That's an address that you would have 8 provided to somebody else? 9 A. Correct. 10 Q. After that call, do you have a memory of 11 receiving a text message from Allied First? 12 MR. PERRONG: Objection to form. 13 A. I don't remember. 14 Q. I'm going to show you the next exhibit. 15 I'll represent to you that these are 16 documents that were produced by you or your 17 counsel, I should say, Katz number, Bates 18 stamp number 16 confidential. 19 (Exhibit 6 marked for 20 identification.) 21 Q. Have you seen these messages before? 22 A. Yes. 23 Q. And do you see the first text, it's Jason 24 from Allied First bank? 25 A. Yes.</p>	<p style="text-align: right;">Page 68</p> <p>1 that? 2 A. Yes. 3 Q. Did you receive any further communications 4 from Allied First after that text string? 5 A. I don't know if they ever provided a copy 6 of their Do Not Call policy. 7 Q. Did you receive any more calls from them 8 or text messages after March 7, 2022? 9 A. I don't know. 10 Q. As you sit here today, are you aware of 11 any additional texts or calls from them? 12 A. I don't know. I'm not aware of any. 13 Q. Okay. That was your voice in the recording, 14 is that right? 15 A. Correct. 16 Q. And then on the recording, you mentioned 17 that you were interested in refinancing. 18 did you hear that? 19 A. I think that that was prompted by what 20 the original illegal caller had said. 21 Q. Okay. Did you play along with that, with 22 Allied First? 23 A. I played along with that to the extent I 24 needed to identify the party responsible 25 for the illegal calls.</p>
<p style="text-align: right;">Page 67</p> <p>1 Q. And then do you see your response that says, 2 "please send me a copy of your do not 3 call policy and stop calling me"? 4 A. Yes. 5 Q. And then do you see the response, "I have 6 not called you since we spoke, Mr. Weim. 7 I will add you to the Do Not Call, to our 8 record system. Enjoy your day." Do you 9 see that? 10 A. I see that response, yes. 11 Q. And then you asked him a question on March 12 9th, "who is the lead generator that provided 13 my info?" Right? 14 A. That's what it says, yes. 15 Q. Is that a message that you sent? 16 A. Yes. 17 Q. And then they responded that they don't 18 have that information? 19 A. They responded incorrectly that it was 20 public information since it was both a 21 fictitious address and a fictitious name. 22 Q. Okay. It says, "your call was transferred. 23 I assume the information was provided by 24 you to the person on the phone." And that's 25 the end of the communications. Do you see</p>	<p style="text-align: right;">Page 69</p> <p>1 MR. POLANSKY: I may be just about 2 done. Give me a few seconds. Why don't 3 we take another short three, four-minute 4 break so I can look through my notes and 5 see if we have anything else, okay? 6 MR. PERRONG: Sounds good. 7 THE WITNESS: Okay. 8 (Break taken) 9 BY MR. POLANSKY: 10 Q. In June of 2021, where were you living? 11 A. Arkansas. 12 Q. In June of 2021, were you looking for 13 financing? 14 A. No. 15 Q. Going back to your answers to 16 interrogatories, just a few questions on 17 those. It asks you to identify all 18 electronic devices that you used as of 19 June 5th, 2021 and you stated you had a 20 desktop computer which was disassembled 21 after it was upgraded prior to the filing 22 of the case. How often did you use that 23 desktop computer before it was disassembled? 24 A. Daily. 25 Q. You said you had an old laptop in the garage.</p>


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<p style="text-align: right;">Page 70</p> <p>1 Do you still use that laptop?</p> <p>2 A. I don't know which laptop that is referring</p> <p>3 to.</p> <p>4 Q. I don't either.</p> <p>5 A. If it's the one I'm thinking of, no, I</p> <p>6 don't use it anymore.</p> <p>7 Q. Did you use it in 2021 or 2022?</p> <p>8 A. Yes.</p> <p>9 Q. Did you look on that laptop to see</p> <p>10 whether you ever had visited the website</p> <p>11 LENDERCONSULTANT.COM?</p> <p>12 A. That laptop was compromised with spyware</p> <p>13 and was not connected to the Internet or I</p> <p>14 didn't connect it to the Internet.</p> <p>15 Q. When was it compromised?</p> <p>16 A. At some point years prior.</p> <p>17 Q. When you say "years," what years are you</p> <p>18 referring to?</p> <p>19 A. I believe 2018.</p> <p>20 Q. What about the desktop, before it was</p> <p>21 disassembled, did you look on that desktop</p> <p>22 computer to see if you visited the Lender</p> <p>23 Consultant website?</p> <p>24 A. I would have, yes, and the history is stored</p> <p>25 on the cloud.</p>	<p style="text-align: right;">Page 72</p> <p>1 when did that stop being used?</p> <p>2 A. When I moved to Arkansas.</p> <p>3 Q. Did you view that tablet to see if</p> <p>4 there was any search history for</p> <p>5 LENDERCONSULTANT.COM?</p> <p>6 A. That history also would have been part of</p> <p>7 my overall Google profile.</p> <p>8 Q. So you did search that?</p> <p>9 A. The history would have been part of the</p> <p>10 overall Google profile because everything is</p> <p>11 linked under my e-mail address.</p> <p>12 Q. And I'm just confirming that that's part of</p> <p>13 your search.</p> <p>14 A. Any activity on that device would have been</p> <p>15 part of my search.</p> <p>16 Q. Okay. And then I'm not familiar with</p> <p>17 cryptocurrency mining machines. I just</p> <p>18 know they take a lot of energy to power. I</p> <p>19 assume you don't search the Internet using</p> <p>20 these?</p> <p>21 A. They're connected to the Internet to do math.</p> <p>22 There isn't even a UI for them.</p> <p>23 Q. Am I right that they take a lot of energy?</p> <p>24 A. Correct.</p> <p>25 Q. Do you use any sort of Internet or social</p>
<p style="text-align: right;">Page 71</p> <p>1 Q. And you reviewed the history on the cloud</p> <p>2 as well?</p> <p>3 A. Yes.</p> <p>4 Q. And what about the work laptop that you</p> <p>5 returned to your employer? When was that</p> <p>6 returned to the employer?</p> <p>7 A. When I joined Wal-Mart.</p> <p>8 Q. So you had that work laptop while you were</p> <p>9 working for IRI?</p> <p>10 A. Correct.</p> <p>11 Q. And did you ever use that to browse the</p> <p>12 Internet?</p> <p>13 A. Only for work-related content.</p> <p>14 Q. Did you ever look at that browser to</p> <p>15 see whether you had visited the</p> <p>16 LENDERCONSULTANT.COM website?</p> <p>17 A. I wouldn't have done any personal business</p> <p>18 on that computer.</p> <p>19 Q. We talked about the personal cell phone.</p> <p>20 Did you look at that browser history to see</p> <p>21 if you had visited the LENDERCONSULTANT.COM</p> <p>22 website?</p> <p>23 A. That would have been part of the overall</p> <p>24 history search.</p> <p>25 Q. And then non-operational Samsung tablet,</p>	<p style="text-align: right;">Page 73</p> <p>1 media sites?</p> <p>2 A. Yes.</p> <p>3 Q. Which ones do you use? We can mark this</p> <p>4 confidential?</p> <p>5 A. Facebook, LinkedIn and YouTube.</p> <p>6 Q. And they're associated with your name?</p> <p>7 A. They would all be under my e-mail address,</p> <p>8 yes.</p> <p>9 Q. In your name or any other pseudo name?</p> <p>10 A. I don't use my real name on Facebook.</p> <p>11 Q. What name do you use?</p> <p>12 A. I spell my last name incorrectly.</p> <p>13 Q. Do you use the name James Weim anywhere?</p> <p>14 A. No.</p> <p>15 Q. All right. I think that will do it for me.</p> <p>16 I appreciate your time today, Mr. Katz.</p> <p>17 A. Sure.</p> <p>18 MR. PERRONG: I have a few follow-up</p> <p>19 questions.</p> <p>20 CROSS EXAMINATION</p> <p>21 BY MR. PERRONG:</p> <p>22 Q. Mr. Katz, if you recall earlier in your</p> <p>23 deposition testimony you stated that you</p> <p>24 didn't immediately recall the telephone</p> <p>25 number that received the calls at issue in</p>

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<p style="text-align: right;">Page 74</p> <p>1 this case. Is there anything that we 2 reviewed today that would jog your memory 3 as to the telephone number? 4 A. Yes. We looked at the complaint and the 5 complaint had (207) 802 and the last four 6 were marked out. I was fairly confident 7 that that was the phone number in the case, 8 but I didn't want to misstate anything for 9 the record. 10 Q. Thank you. You also mentioned that you 11 were able to connect the calls between the 12 nine calls that you mentioned because the 13 callback number was, or because the caller 14 ID was the same. Is it your understanding 15 that -- and you testified that companies 16 will maintain such numbers for the purposes 17 of a specific campaign to a specific company. 18 Is that your testimony? 19 MR. POLANSKY: Objection to form. 20 A. That's my testimony. 21 Q. Is it also your understanding that such 22 companies that engage in telemarketing 23 conduct such as this maintain telephone 24 numbers as a callback number specific to 25 that entity so that if there's a missed</p>	<p style="text-align: right;">Page 76</p> <p>1 ever send you a copy of their Do Not Call 2 policy? 3 A. I don't believe they did. 4 MR. POLANSKY: Objection. 5 Q. Did Allied First ever put you on their 6 internal Do Not Call list? 7 MR. POLANSKY: Objection to form. 8 A. I don't know if they did or not. 9 Q. In your experience just generally with 10 telemarketing calls in general, what will 11 happen if you don't play along with a 12 caller or play along with their script? 13 MR. POLANSKY: Objection to form. 14 A. It is impossible to identify them because 15 they're using fictitious names oftentimes, 16 and I don't know whether this is the case 17 here or not, but they will even spoof caller 18 ID numbers, then go back to a non-working 19 number. There's a number of other tactics 20 that they'll use to avoid being identified 21 and being held accountable. 22 Q. Is it fair to say that it's more or less 23 the pot calling the kettle black if they're 24 using a fake name? 25 MR. POLANSKY: Objection to form.</p>
<p style="text-align: right;">Page 75</p> <p>1 call, for example, that you would call 2 back on that number? 3 MR. POLANSKY: Objection to form. 4 A. Yes. 5 Q. And the purpose for that is so that the 6 marketer could get credit for selling the 7 lead to a specific company, correct? 8 MR. POLANSKY: Objection to form. 9 A. Correct. 10 Q. I also wanted to ask about the notification 11 function that you were using in 2016. If 12 I just understand your testimony correctly, 13 that notification function was a function 14 of your telephone provider at the time which 15 was Verizon, is that right? 16 A. That's correct. 17 Q. And at the time of the subject calls at 18 issue here, your telephone provider was not 19 Verizon, correct? 20 A. That's correct. 21 Q. To the extent that you recall between the 22 period of the last interaction that you had 23 with Allied First in 2016, or I should say 24 the last settlement that you had with Allied 25 First in 2016 and present, did Allied First</p>	<p style="text-align: right;">Page 77</p> <p>1 A. That's correct. 2 MR. PERRONG: No further questions. 3 MR. POLANSKY: Nothing further from 4 me. Thanks for your time today, Mr. Katz. 5 I appreciate it. 6 THE WITNESS: Thank you. 7 (Exhibits 7 and 8 marked for 8 identification.) 9 (Whereupon the deposition was 10 concluded at 11:54 a.m.) 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

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<p style="text-align: right;">Page 78</p> <p>1 DEPONENT'S ERRATA SHEET 2 AND SIGNATURE INSTRUCTIONS 3 4 The original of the Errata Sheet has 5 been delivered to Veritext. 6 When the Errata Sheet has been 7 completed by the deponent and signed, a copy 8 thereof should be delivered to each party of 9 record and the ORIGINAL delivered to Kevin 10 Polansky, Esq., to whom the original 11 deposition was delivered. 12 13 INSTRUCTIONS TO DEPONENT 14 After reading this volume of your 15 deposition, indicate any corrections or 16 changes to your testimony and reason therefor 17 on the Errata Sheet supplied to you and sign 18 it. DO NOT make marks or notations on the 19 transcript volume itself. 20 21 REPLACE THIS PAGE OF THE TRANSCRIPT 22 WITH THE COMPLETED AND SIGNED ERRATA 23 SHEET WHEN RECEIVED. 24 25</p>	<p style="text-align: right;">Page 80</p> <p>1 COMMONWEALTH OF MASSACHUSETTS) 2 SUFFOLK, SS.) 3 4 5 I, Jeanette Maracas, Registered 6 Professional Reporter and Notary Public in 7 and for the Commonwealth of Massachusetts, 8 do hereby certify that there came before me 9 on the 27th day of March, 2025, at 10:04 10 a.m., the person hereinbefore named, who was 11 by me duly sworn to testify to the truth and 12 nothing but the truth of his knowledge 13 touching and concerning the matters in 14 controversy in this cause; that he was 15 thereupon examined upon his oath, and his 16 examination reduced to typewriting under my 17 direction; and that the deposition is a true 18 record of the testimony given by the witness. 19 20 I further certify that I am neither 21 attorney or counsel for, nor related to or 22 employed by, any attorney or counsel employed 23 by the parties hereto or financially 24 interested in the action. 25 26 In witness whereof, I have hereunto 27 set my hand this 9th day of April, 2025. 28 29  30 Jeanette Maracas 31 My commission expires 7/29/27</p>
<p style="text-align: right;">Page 79</p> <p>1 ATTACH TO THE DEPOSITION OF: Samuel Katz 2 3 CASE: Katz vs. Allied First Bank, et al 4 5 ERRATA SHEET 6 INSTRUCTIONS: After reading the transcript 7 of your deposition, note any changes or 8 corrections to your testimony and the reason 9 therefor on this sheet. DO NOT make any 10 marks or notations on the transcript volume 11 itself. Sign and date this Errata Sheet 12 (before a Notary Public, if required). 13 Refer to Page 78 of the transcript for Errata 14 Sheet distribution instructions. 15 PAGE LINE 16 CHANGE: 17 REASON: 18 CHANGE: 19 REASON: 20 CHANGE: 21 REASON: 22 CHANGE: 23 REASON: 24 25 I have read the foregoing transcript of my deposition and except for any corrections or changes noted above, I hereby subscribe to the transcript as an accurate record of the statements made by me. Date Samuel Katz</p>	